



DEPARTMENT OF THE NAVY

NAVAL AIR STATION OCEANA  
1750 TOMCAT BOULEVARD  
VIRGINIA BEACH, VIRGINIA 23460-2168

IN REPLY REFER TO:

NASOCEANAINST 5500.2B  
13

MAY 22 2003

NAS OCEANA INSTRUCTION 5500.2B

Subj: NAVAL AIR STATION OCEANA BARRING ORDERS AND SUSPENSION OF  
DRIVING PRIVILEGES

Ref: (a) SECNAVINST 5511.36  
(b) 18 U.S.C. 1382  
(c) OPNAVINST 11200.5C  
(d) COMNAVREGMIDLANTINST 5500.3  
(e) COMNAVREGMIDLANTINST 5560.10

Encl: (1) Sample Barring Order  
(2) Sample Preliminary Suspension letter  
(3) Sample Suspension letter

1. Purpose. To promulgate instructions related to Naval Air Station (NAS) Oceana's Exclusion Program per references (a) through (e). Various paragraphs of this instruction have been revised. This instruction should be reviewed in its entirety.

2. Cancellation. NASOCEANAINST 5500.2A. Because of numerous revisions, paragraph markings have been omitted.

3. Background. Reference (a) establishes the Department of Defense (DoD) policy that installation Commanding Officers have the authority to promulgate regulations for the protection of property and personnel under their command and enforce applicable laws and regulations. Accordingly, Commanding Officer, NAS Oceana, has the authority to limit access to the installation in order to maintain good order and discipline and protect NAS Oceana personnel and property. Any such removal or denial actions shall be based on reasonable grounds and judiciously applied. Per reference (b), it is illegal for any person without authority to enter or re-enter a military installation, having been forbidden to do so, after being notified in writing.

4. Policy

a. Enclosure (1) shall be issued to the following personnel by Commanding Officer, NAS Oceana. (Tenant commands are responsible for forwarding necessary information for barring orders to be issued):

(1) Any person who receives an Other Than Honorable Discharge from the Navy due to misconduct;

(2) Any person awarded a punitive discharge at court-martial and after that discharge has been approved;

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(3) Those personnel, military or civilian, who commit misconduct on board NAS Oceana which, under the circumstances and in the opinion of the Commanding Officer, NAS Oceana, warrants the exclusion of the offender from military installations.

(4) Those personnel found using, without proper authorization, Navy Exchange, Commissary and Morale, Welfare and Recreation facilities under the jurisdiction of NAS Oceana;

(5) Any civilian person in a vagrant status, (i.e., living in, behind or around buildings, land, etc.) under the jurisdiction of NAS Oceana.

b. Enclosure (2) shall be issued pending resolution of an intoxicated driving incident involving active duty personnel, family members, retired members of the military service, DoD civilian personnel and others with installation driving privileges regardless of the geographic location of an intoxicated driving incident. Installation driving privileges will be immediately suspended pending resolution of the intoxicated driving incident in the following circumstances:

(1) Refusal to take or complete a lawfully requested chemical test to determine contents of blood for alcohol or other drugs;

(2) Operating a motor vehicle with a blood alcohol content of 0.08 percent by volume or higher; or

(3) Upon an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

c. Enclosure (3) shall be issued in the following circumstances by Commanding Officer, NAS Oceana:

(1) Refusal to submit to a lawfully requested chemical test to determine contents of blood for alcohol or other drugs, when lawfully apprehended for intoxicated driving;

(2) Conviction, non-judicial punishment or a military or civilian administrative action resulting in the suspension or revocation of a driver's license for intoxicated driving. Official documentation of such conviction is required;

(3) Any offense listed in reference (e) that is committed, requiring mandatory suspension of base driving privileges. The Traffic Hearing Officer will sign these suspension letters "By direction."

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Restoration of base driving privileges ultimately rests with the Commanding Officer, NAS Oceana.

d. Non-judicial punishment, administrative separation and/or trial by court-martial may be considered for any service member found in violation of this instruction. A violation of an exclusion letter will be deemed a violation of a lawful general order. Civilians found in violation of this instruction may be detained until civil authorities can respond. Where appropriate, offenders will be prosecuted to the full extent under federal or Commonwealth trespassing laws.

5. Action. Commanding Officer, NAS Oceana has vested the Command Duty Officer (CDO) and Command Judge Advocate authorization to bar personnel consistent with this instruction. The CDO may direct the Security Watch Commander, to sign barring orders "By direction." The Commanding Officer or Executive Officer will ratify barring order decisions during morning turnover. Enclosure (1) shall be explained in detail before being issued. Similarly, Commanding Officer, NAS Oceana has vested the CDO, Command Judge Advocate and Traffic Hearing Officer authorization to issue preliminary suspension and suspension letters. Enclosures (2) and (3) shall be explained in detail before being issued.

6. Reciprocal Exclusion. Those individuals barred in whole or in part from NAS Oceana will be similarly barred from any other military facility within the Mid-Atlantic Region unless the text of the letter clearly indicates that a more restricted application should apply.

7. Appeal. Personnel excluded from the jurisdictional limits of NAS Oceana, in whole or in part, may appeal in writing to the Commanding Officer, NAS Oceana, via the Command Judge Advocate within 15 days of the exclusion letter. The exclusion, suspension or revocation of privileges remains in effect until a reply is received from the Commanding Officer. Juveniles (persons under the age of 18) shall, through their sponsor, be afforded the same right to appeal as outlined above.

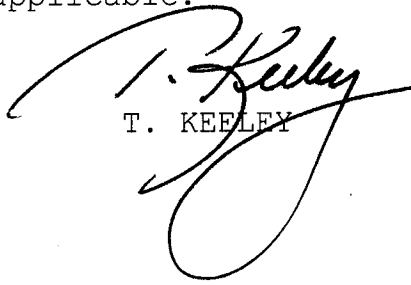
8. A complete list of individuals barred by the Commanding Officer, NAS Oceana shall be compiled quarterly by the Command Judge Advocate's Office and forwarded to each Installation Commander within the Mid-Atlantic Region, each installation Staff Judge Advocate and each installation Security Department.

9. Distribution. Copies of barring orders shall be distributed as applicable to each Installation Commander within the Mid-Atlantic Region, each installation Staff Judge Advocate,

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each installation Security Department, NAS Oceana Pass and Decal Office, the Commanding Officer of the military member and sponsor of dependent, if applicable.

  
T. KEELEY

Distribution:  
NASOCEANAINST 5216.1X  
List I, II, III, IV

SAMPLE BARRING ORDER  
(Command Letterhead)

5800  
Ser 13/  
(date)

**PERSONAL SERVICE OR CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Full Name  
Address  
City, State, Zip Code

Dear \_\_\_\_\_:

SUBJECT: BARRING ORDER

On date, you were detained/arrested/involved in  
(describe incident of misconduct). As a result of your  
misconduct on board Naval Air Station (NAS) Oceana, you are  
hereby prohibited from entering NAS Oceana and its territories  
indefinitely from the date of this letter. You are not  
authorized on board this base without prior written permission  
from the Commanding Officer. Similarly, you are also barred  
from all other military installations within the Mid-Atlantic  
Region.

The NAS Oceana area includes all housing areas,  
medical/dental clinics, Navy Exchange complex, stables, boat  
and camper rental and all government property of NAS Oceana,  
Dam Neck Annex, Naval Auxiliary Landing Field Fentress and the  
perimeters of those locations.

Until further modified or lifted, you are hereby prohibited  
from entering onto Naval Medical Center, Portsmouth and its  
branch clinics except to obtain necessary medical care. If you  
are seeking non-emergent medical treatment, you must proceed  
directly to the Security Department of the installation, who  
will provide an escort/pass to the clinic area in which you seek  
medical care. Upon completion of your care, you are to proceed  
directly to the Security Office to check out and exit the base.

Should you enter any naval installation without prior  
written permission, you will be subject to apprehension and  
prosecution for unlawful trespassing in United States District  
Court. The maximum punishment for violation of such offense is  
a fine of \$500 and/or imprisonment for not more than six months.

Enclosure (1)

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5800  
Ser 13/  
(date)

You may appeal this order in writing to Commanding Officer, Naval Air Station Oceana (Code 13), 1750 Tomcat Boulevard, Virginia Beach, VA 23460-2191. This barring order remains in effect until a reply is received from the Commanding Officer. Juveniles (persons under the age of 18) may appeal this decision through their sponsor.

SIGNATURE  
(By direction)

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I hereby acknowledge receipt of this order barring me from Naval Air Station Oceana.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature/Date

Copy to:  
Command Judge Advocate, NAS Oceana  
Legal Officer, Tenant Command (if applicable)  
Pass and Decal Office, NAS Oceana  
Base Security, NAS Oceana

SAMPLE PRELIMINARY SUSPENSION LETTER

(Command Letterhead)

5560  
Ser 13/  
(date)

From: Commanding Officer, Naval Air Station Oceana  
To: Rate, Full Name, Branch of Service, SSN  
Via: Commanding Officer, Tenant Command (if applicable)

Subj: PRELIMINARY SUSPENSION OF VEHICLE DRIVING PRIVILEGES

Ref: (a) OPNAVINST 11200.5C  
(b) COMNAVREGMIDLANTINST 5560.10

1. You are hereby notified that your base driving privileges are suspended immediately as a result of the following alleged misconduct: date, list circumstances of incident. Per references (a) and (b), your driving privileges are suspended (one year/indefinitely/preliminarily) from the date of this letter. This notification of suspension of driving privileges is for the operation of any motor vehicle (including government vehicles) on all U.S. Navy property in the Hampton Roads area. This includes Navy housing areas, access roads to the gates, Commissaries, Medical and Dental clinics and other government facilities in the Hampton Roads area which include: Naval Air Station(NAS) Oceana; Naval Station Norfolk; Commander, U.S. Atlantic Fleet compound; Naval Amphibious Base Little Creek; NAS Oceana Dam Neck Annex; Norfolk Naval Shipyard Portsmouth; Naval Weapons Annex, St. Julians Creek Portsmouth and Naval Weapons Station Yorktown.

2. All vehicle decals must be surrendered to the NAS Oceana Security Department Pass and ID Office (Building 280) within 48 hours upon receipt of this letter. Your sponsor, spouse or legal dependent may use the vehicle on the base only after obtaining a one-day visitor's pass at the Pass and ID Office.

3. You have ten (10) days to appeal this preliminary suspension of your base driving privileges by submitting your request in writing to the Command Judge Advocate, Naval Air Station Oceana, 1750 Tomcat Boulevard, Virginia Beach, VA 23460, telephone number (757) 433-2946. Notify this office of the final disposition of your case (either in U.S. District Court for the Eastern District of Virginia, non-judicial punishment or court-martial) and provide official documentation of outcome.

Enclosure (2)

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Subj: PRELIMINARY SUSPENSION OF VEHICLE DRIVING PRIVILEGES

You will then be advised by this command of the final determination regarding the suspension of your base driving privileges.

SIGNATURE  
By direction

Copy to:  
Command Judge Advocate, NAS Oceana  
Legal Officer, Tenant Command (if applicable)  
Pass and Decal Office, NAS Oceana  
Base Security, NAS Oceana

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I have read and understand this preliminary suspension notice.  
I will surrender all DoD vehicle decals registered in my name  
and will comply with the suspension restrictions.

\_\_\_\_\_  
Signature/Date

SAMPLE SUSPENSION LETTER

(Command Letterhead)

5560  
Ser 13/  
(date)

From: Commanding Officer, Naval Air Station Oceana  
To: Rate, Full Name, Branch of Service, SSN  
Via: Commanding Officer, Tenant Command (if applicable)

Subj: SUSPENSION OF VEHICLE DRIVING PRIVILEGES

Ref: (a) OPNAVINST 11200.5C  
(b) COMNAVREGMIDLANTINST 5560.10

1. You are hereby notified that your base driving privileges are suspended immediately as a result of the following misconduct: date, list circumstances of misconduct. Per references (a) and (b), your driving privileges are suspended (one year/indefinitely) from the date of this letter. This notification of suspension of driving privileges is for the operation of any motor vehicle (including government vehicles) on all U.S. Navy property in the Hampton Roads area. This includes Navy housing areas, access roads to the gates, Commissaries, Medical and Dental clinics and other government facilities in the Hampton Roads area which include: Naval Air Station (NAS) Oceana; Naval Station Norfolk; Commander, U.S. Atlantic Fleet compound; Naval Amphibious Base Little Creek; NAS Oceana Dam Neck Annex; Norfolk Naval Shipyard Portsmouth, Naval Weapons Annex; St. Julians Creek Portsmouth and Naval Weapons Station Yorktown.

2. All vehicle decals must be surrendered to the NAS Oceana Security Department Pass and ID Office (Building 280) within 48 hours upon receipt of this letter. Your sponsor, spouse or legal dependent may use the vehicle on the base only after obtaining a one-day visitor's pass at the Pass and ID Office.

3. [Use if applicable] If this suspension is based on traffic court offenses and you are eligible for reinstatement upon correction of deficiencies, you may request reinstatement of base driving privileges by providing evidence of offense correction to the NAS Oceana Security Department Traffic Hearing Officer, Building 320, Monday through Friday, between the hours of 0900 and 1430.

Enclosure (3)

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Subj: SUSPENSION OF VEHICLE DRIVING PRIVILEGES

3 (or) 4. You have ten (10) days to appeal or request clemency for this suspension of your base driving privileges by submitting your request in writing to the Command Judge Advocate, Naval Air Station Oceana, 1750 Tomcat Boulevard, Virginia Beach, VA 23460, telephone number (757) 433-2946.

SIGNATURE  
By direction

Copy to:  
Command Judge Advocate, NAS Oceana  
Legal Officer, Tenant Command (if applicable)  
Pass and Decal Office, NAS Oceana  
Base Security, NAS Oceana

- - - - -  
I have read and understand this suspension notice. I will surrender all DoD vehicle decals registered in my name and will comply with the suspension restrictions.

\_\_\_\_\_  
Signature/Date